

**Fill in this information to identify the case:**

Debtor 1 ROBERT NUNEZ

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Pennsylvania

Case number 15-15811

**FILED**

SEP 11 2017

TIMOTHY McGRATH, CLERK  
DEPT. CLERK

Official Form 410S1

**Notice of Mortgage Payment Change**

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Emigrant Residential, LLC

Court claim no. (if known): \_\_\_\_\_

Last 4 digits of any number you use to identify the debtor's account:

5 7 0 0

Date of payment change:

Must be at least 21 days after date of this notice

10/01/2017

New total payment:

\$ 587.40

Principal, interest, and escrow, if any

**Part 1: Escrow Account Payment Adjustment**

1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 289.07

New escrow payment: \$ 286.32

**Part 2: Mortgage Payment Adjustment**

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_%

New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_

New principal and interest payment: \$ \_\_\_\_\_

**Part 3: Other Payment Change**

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☐ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

Debtor 1 ROBERT NUNEZ Case number (if known) 15-15811  
First Name Middle Name Last Name

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.  
☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

x Dawn Myers Date 9/8/17  
Signature

Print: Dawn R Myers Title Loan Administrator  
First Name Middle Name Last Name

Company Emigrant Mortgage Company, Inc as servicer for Emigrant Residential, LLC

Address 7 Westchester Plaza  
Number Street  
Elmsford NY 10523  
City State ZIP Code

Contact phone 914-785-1233 Email myersd@emigrant.com

570-0 B



5 East 42nd Street New York, NY 10017  
1-800-836-1260

Analysis Date: 08/23/2017

Loan Number: 570-0

Effective Date: 10/01/2017

Bankruptcy Date: 08/13/2015

ROBERT NUNEZ 000056  
8355 AUSTIN ST APT 3F  
KEW GARDENS, NY 11415-1825

Premise Address:  
2164 N PALETHORP ST  
PHILADELPHIA, PA 19122-1613

**Annual Escrow Account Disclosure Statement  
Projections for Coming Year**

Dear Mortgagor:

This is an estimate of activity in your escrow account during the coming year based on payments anticipated to be made from your account.

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance
<b>Starting Balance</b>				\$1,998.70
<b>2017</b>				
Oct	285.52	1,513.00	Fire/Hazard Ins.	771.22
Nov	285.52			1,056.74
Dec	285.52			1,342.26
<b>2018</b>				
Jan	285.52			1,627.78
Feb	285.52	1,064.29	City Tax	849.01
Mar	285.52			1,134.53
Apr	285.52	849.00	Fire/Hazard Ins.	571.05
May	285.52			856.57
Jun	285.52			1,142.09
Jul	285.52			1,427.61
Aug	285.52			1,713.13
Sep	285.52			1,998.65
<b>TOTAL</b>	3,426.24	3,426.29		

Escrow Balance from History 1,699.96  
Arrears Escrow Payment(s) 289.07 (+)  
Adjusted Escrow Balance 1,989.03

Your adjusted ending escrow balance is \$1,989.03. Your starting balance according to this analysis should be \$1,998.70.

This means you should have a shortage of \$9.67. This shortage may be collected from you over a period of 12 months unless the shortage is less than 1 month's deposit in which case we have the additional option of requesting payment within 30 days. We have decided to collect it over 12 months.

**Projections for Coming Year  
(continued)**

Page 2 of 2

Your escrow balance may contain a cushion. A cushion is an amount held in your escrow account to prevent your escrow balance from being overdrawn when increases in the disbursements occur. Federal law authorizes a maximum escrow cushion not to exceed 1/6th of the total annual anticipated escrow disbursements made during the above cycle unless your loan documents or State law require a lesser cushion.

The cushion selected for your escrow account is 1/6th of your total annual escrow estimated disbursement which equals \$571.05.

Please keep this statement for comparison with the actual activity in your account at the end of the escrow accounting computation year.

Your first monthly payment for the coming year will be \$587.40 of which \$301.08 is for principal and interest and \$286.32 will go into your escrow account.

The terms of your loan may result in changes to the monthly principal and interest payments made during the year.

You will be receiving a billing under a separate cover.

ANNUAL ESCROW DISBURSEMENT ESTIMATE	
Description	Amount
City Tax	1,064.29
Fire/Hazard Ins.	2,362.00
Total Annual Requirement	3,426.29
Projected Payment Requirement	285.52
1/12 of Escrow Shortage (+)	0.80
New Escrow Payment	286.32

Your prior monthly escrow payment was \$289.07.

If you have any questions regarding this information, please contact us at the toll free number listed above.



5 East 42nd Street New York, NY 10017  
1-800-836-1260

As of Date: 08/23/2017  
Loan Number: 170-0

Bankruptcy Date: 08/13/2015

ROBERT NUNEZ  
8355 AUSTIN ST APT 3F  
KEW GARDENS, NY 11415-1825

000056

Premise Address:  
2164 N PALETHORP ST  
PHILADELPHIA, PA 19122-1613

**Annual Escrow Account Disclosure Statement  
Comparison and Account History**

Dear Mortgagor:

This is a statement of actual activity in your escrow account from 08/23/2016 through 08/23/2017. Last Year's Projections, starting 10/01/2016, are next to the actual activity.

Your last monthly payment was \$590.15 of which \$301.08 was for principal and interest and \$289.07 went into your escrow account.

This is a history for the post petition year prepared for informational and analysis purposes only.

Month	Projected Payment to Escrow Account	Actual Payment to Escrow Account	Projected Payment from Escrow Account	Actual Payment from Escrow Account	Description	Projected Escrow Account Balance	Actual Escrow Account Balance
<b>Starting Balance</b>						\$1,998.70	\$1,956.05
<b>2016</b>							
Sep		279.50					2,235.55
Oct	285.52	289.07 *	1,513.00	1,513.00	Fire/Hazard Ins.	771.22	1,011.62
Nov	285.52	289.07 *				1,056.74	1,300.69
Dec	285.52	*				1,342.26	1,300.69
<b>2017</b>							
Jan	285.52	289.07 *		1,064.29	* City Tax	1,627.78	525.47
Feb	285.52	289.07 *	1,064.29		* City Tax	849.01	814.54
Mar	285.52	289.07 *				1,134.53	1,103.61
Apr	285.52	289.07 *	849.00	849.00	Fire/Hazard Ins.	571.05	543.68
May	285.52	289.07 *				856.57	832.75
Jun	285.52	289.07 *				1,142.09	1,121.82
Jul	285.52	289.07 *				1,427.61	1,410.89
Aug	285.52	289.07 *				1,713.13	1,699.96
<b>TOTAL</b>		3,170.20		3,426.29			

An asterisk (\*) indicates a difference from a previous estimate either in the date or the amount. Your actual escrow payment has been adjusted for a shortage escrow balance in the amount of \$42.65 which increased your normal monthly payment by \$3.55 to \$289.07. This amount was calculated at your last escrow projection.

**Annual Escrow Account Disclosure Statement  
Comparison and Account History  
(continued)**

Page 2 of 2

Last year we anticipated that payments from your account would be made during this period equaling \$3,426.29. Under Federal law, your lowest monthly balance should not have exceeded \$571.05 or 1/6 of anticipated payments from the account, unless your mortgage contract or State law specifies a lower amount. Under your mortgage contract and State law, your lowest monthly balance should not have exceeded \$571.05. Therefore, the required cushion for your escrow account was \$571.05.

This is a history for the post-petition year prepared for informational analysis purposes only.

If you have any questions regarding this information, please contact us at the toll free number listed above.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: )  
 ) Case No. 15-15811  
Robert Nunez ) Chapter 13  
 )  
Debtor-in-Possession )

AFFIDAVIT OF SERVICE


Dawn Myers, being duly sworn say; I am not a party to this action, am over 18 years of age and am a Mortgage Collector in the Servicing Department of Emigrant Mortgage Company, Inc. as servicer for Emigrant Residential, LLC, That on the 8th day of September 2017, I served the Notice of Mortgage Payment Change by depositing a true copy of the enclosed under the exclusive care and custody of US Postal Service via certified mail, addressed to the following persons at their last known addresses set forth after their name:

- 1- David M. Offen, The Curtis Center, 601 Walnut Street- Suite 160 West  
Philadelphia, PA 19106
- 2- Timothy B McGrath, 900 Market Street Suite 400, Philadelphia, PA 19107
- 3- William C. Miller, Esq., Chapter 13 Trustee, 1234 Market Street - Suite 1813  
Philadelphia, PA 19107
- 4- Robert Nunez, 8355 Austin St Apt 3F, Kew Gardens, NY 11415-1825

Deponent is over the age of twenty-one years.

  
DAWN MYERS

Sworn to before me this  
8<sup>th</sup> of September 2017.

  
Notary Public

VERNEEDA MCKENZIE WHEELER  
Notary Public, State of New York  
No. 01MC8198145  
Qualified in New York County  
Commission Expires November 3, 2020